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Attorneys for the United States

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,
v.
JORGE MADRIGAL-GUZMAN,
Defendant.

Case No.: 2:20-cr-00239-JAD-EJY

STIPULATION TO CONTINUE SENTENCE HEARING DATE

(First Request)

IT IS HEREBY STIPULATED AND AGREED by and between Christopher Chiou, Acting United States Attorney, and Kimberly M. Frayn and Bianca R. Pucci, Assistant United States Attorneys, counsel for the United States of America, and Monique N. Kirtley, counsel for Jorge Madrigal-Guzman, that the sentencing hearing date currently scheduled for May 10, 2021 at 1:30 p.m. be vacated and set to a date and time convenient to this Court, but no sooner than thirty (30) days.

The Stipulation is entered into for the following reasons:

1. The defendant is in custody and does not object to the continuance.
2. The parties agree to the continuance.
3. Government counsel, AUSA Pucci, is set to begin a jury trial on May 3, 2021, which is anticipated to continue through at least May 11, 2021. As such, government counsel will not be able to appear for the currently scheduled sentencing hearing as scheduled.

4. The requested time is not for purposes of delay. The parties need additional time to prepare for the sentencing hearing, including time to prepare and file appropriate sentencing memoranda.

5. Additionally, denial of the continuance could result in a miscarriage of justice and the ends of justice served by granting this request, outweigh the best interest of the public and the defendant in a speedy hearing. The additional time requested by this stipulation is made in good faith and not for purposes of delay as contemplated by Rule 32 of Federal Rules of Criminal Procedure.

6. This is the first stipulation to continue the sentencing hearing date.

DATED: April 27, 2021

CHRISTOPHER CHIOU
Acting United States Attorney

By /s/ Monique Kirtley
MONIQUE KIRTLEY
Assistant Federal Public Defender
Counsel for Defendant

By /s/ Kimberly M. Frayn
KIMBERLY M. FRAYN
BIANCA R. PUCCI
Assistant United States Attorney

UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,
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Defendant.

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ORDER

FINDINGS OF FACT

Based on the pending stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The defendant is in custody and does not object to the continuance.
2. The parties agree to the continuance.
3. Government counsel, AUSA Pucci, is set to begin a jury trial on May 3, 2021, which is anticipated to continue through at least May 11, 2021. As such, government counsel will not be able to appear for the currently scheduled sentencing hearing as scheduled.

4. The requested time is not for purposes of delay. The parties need additional time to prepare for the sentencing hearing, including time to prepare and file appropriate sentencing memoranda.

5. Additionally, denial of the continuance could result in a miscarriage of justice and the ends of justice served by granting this request, outweigh the best interest of the public and the defendant in a speedy hearing. The additional time requested by this

1 stipulation is made in good faith and not for purposes of delay as contemplated by Rule
2 32 of Federal Rules of Criminal Procedure.

3 6. This is the first stipulation to continue the sentencing hearing date.

4 **ORDER**

5 THEREFORE, IT IS HEREBY ORDERED that the sentencing hearing in the
6 above-captioned matters, currently scheduled for May 10, 2021 at 1:30 p.m., be vacated
7 and continued to June 28, 2021, at 10:00 a.m.

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11 DATED this 28th day of April, 2021.
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15 HONORABLE JENNIFER A. DORSEY
16 United States District Court Judge
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